

# HOUSE COMMITTEE ON JUDICIARY

## Agenda

Meeting No. 8

<b>DATE:</b>	<b>Tuesday, February 7, 2006</b>
<b>TIME:</b>	<b>15 Minutes After Adjournment</b>
<b>PLACE:</b>	<b>Room 131 Annex</b>

1. Call to order and roll call.
2. **HB 3, J. Jenkins, R. Damron, R. Adams, R. Adkins, A. Arnold, J. Arnold Jr, S. Baugh, C. Belcher, J. Bowen, K. Bratcher, S. Brinkman, T. Burch, J. Carr, M. Cherry, L. Clark, H. Collins, J. Comer Jr, H. Cornett, T. Couch, R. Crimm, J. DeCesare, W. Dedman Jr, B. DeWeese, J. Draud, C. Embry Jr, B. Farmer, D. Ford, J. Gooch Jr, D. Graham, J. Gray, W. Hall, M. Henley, J. Higdon, C. Hoffman, D. Horlander, D. Keene, T. Kerr, S. Lee, Ji. Lee, G. Lynn, M. Marzian, T. McKee, C. Meade, C. Miller, H. Moberly Jr, R. Mobley, B. Montell, L. Napier, R. Nelson, F. Nesler, S. Nunn, D. Osborne, D. Owens, R. Palumbo, D. Pasley, T. Pullin, M. Rader, R. Rand, J. Richards, S. Riggs, T. Riner, C. Siler, A. Smith, J. Stacy, J. Stewart III, T. Thompson, J. Vincent, M. Weaver, S. Westrom, A. Wuchner, B. Yonts**

*Amend KRS 17.500, relating to sex crime definitions, to add definitions of "homeless," "mental abnormality," "residence," and "sexually violent offense"; add additional offenses to the definition of sex crimes; amend KRS 17.510, relating to the sex offender registration system, to require registration with the local probation and parole office; require a new fingerprint card and photograph of the registrant each year; require sex offenders convicted in another country to register; require sex offender who changes residence to notify probation and parole within five days of relocation; specify that out of state sex offender is presumed to know the duties required by the Commonwealth; require registrant who lives on a boat or a mobile home to supply additional information relating to the make, model, and other information about boats or mobile homes; require registrant who is homeless to reregister every 14 days until residency is obtained; increase penalty for second or subsequent offense for registration violation to a Class C felony; amend KRS 17.520, relating to registrants registering for a period of time upon being released by the court, to include persons adjudicated guilty; require registrants to register for 20 years following confinement or 20 years following the maximum discharge date; amend KRS 17.580, relating to availability of information on the Web site, so that it includes all registrants and so that people out-of-state can also access this information; create new section of Chapter 65 to specify responsibilities for enforcing, investigating, and*

*prosecuting violations of the provisions of sex offender registration laws; specify that it is the intent of the General Assembly to occupy the entire field of legislation relating to violent offenses and sex crimes; amend KRS 160.151 requiring a national and state criminal background check; add definition of "contractor"; amend KRS 160.380, relating to school employees, to define contractor; provide that superintendents may require background checks of contractors, volunteers, or visitors; create new section of chapter 164 to require all initial hires to have a background check; amend KRS 186.412, relating to license applications, to require that all operator licenses shall include a statement of whether the person is a sex offender who is required to register and must be signed, dated, and sworn to before the clerk in which the applicant is swearing that all information is true and complete with no omitted material; amend KRS 196.280, relating to notification of release of person from penitentiary, juvenile detention facility, regional jail, or county jail, to include youth development center, clinical treatment facility, residential treatment facility, community-based facility, boarding home, and group home; create new section of Chapter 197 to provide that any statement made by sex offenders during treatment cannot be admissible against the person in any criminal proceeding; provide that any statement made which indicates a child being or about to be abused should be reported; amend KRS 413.249, relating to actions relating to childhood sexual abuse or childhood sexual assault, to say that a civil action for recovery of damages shall not be subjected to a period of limitation and may be commenced at any time; amend KRS 431.005 to say that a peace officer may arrest a person without a warrant but must have probable cause to believe that the person is a sex offender who has neglected to comply with the Kentucky Sex Offender Registry requirements, based on information received from the Law Information Network of Kentucky; define "peace officer" as a certified peace officer; amend KRS 431.517, relating to authorizations for home incarceration as a form of pretrial release, to add various provisions for pretrial release; amend KRS 431.520 to require the court to consider electronic monitoring and home incarceration and to take steps to prevent the person from committing any crime while released; amend KRS 439.265, relating to sex crime procedures, to omit not suspending a sentence if a defendant has been convicted of an offense or criminal attempt to commit any; amend KRS 439.3401, relating to parole for violent offenders, to define what a "violent offender" means; amend KRS 441.046, relating to fingerprinting of persons in adult or juvenile detention facilities, to require fingerprinting of arrested persons prior to the person's release from custody and to require that these fingerprints be transmitted to the Kentucky State Police for review; specify procedure when a jailer fails to comply; create new section of Chapter 510 relating to sexual offenses to add that testimonies of a witness or victim who is 18 years old shall be preserved under seal; require prosecution and defense to return sealed copies at the end of the case; amend KRS 510.010, relating to sex crime definitions, to change definitions of "foreign object"; amend KRS 510.020, relating to lack of consent, to add that a person is incapable of consent when he or she is under governmental custody, or on probation or on parole; amend KRS 510.060, relating to rape in the third degree, to include the use of authority to engage in sexual intercourse with a minor; amend KRS 510.090, relating to sodomy in the third degree, to include the use of authority to engage in sexual intercourse with a minor; amend KRS 510.110, relating to sexual abuse in the first degree, to include Class A felony if victim is less than 12 years old; amend KRS 510.120, relating to sexual abuse in the second degree, to include the use of authority to subject a minor to sexual*

*contact; create a new section of Chapter 519 relating to obstruction of public administration, to include an explanation of tampering with a prisoner monitoring device which is a Class D felony; amend KRS 520.110, relating to custody offenses, to include the use of affirmative action; amend KRS 520.120, relating to hindering prosecution or apprehension in the first degree, to include rendering assistance to another; amend KRS 530.020, relating to incest, to include Class A, B, and C felonies; amend KRS 530.064, relating to unlawful transactions with a minor in the first degree, to include illegal controlled substance activity; amend KRS 531.335, relating to possession of matter portraying a sexual performance by a minor, to omit Class A and D felonies; amend KRS 531.340, relating to distribution of matter portraying a sexual performance by a minor, to add she and her; require Class C felony for subsequent offenses; amend KRS 532.025, to include sexual abuse in the first degree; require aggravating circumstances to include murder against a child less than 12 years of age; amend KRS 532.043, relating to requirements of conditional discharge for certain felonies, to add provisions regarding minors and felony offenses; require five years instead of three years for conditional discharge; amend KRS 532.080, relating to persistent felony offender sentencing, to include one or more felony sex crimes and one or more felonies under first degree offense and have life without parole for 25 years; amend KRS 532.110, relating to concurrent and consecutive terms of imprisonment, to include sentence violators with two or more sexual offenses involving two or more victims; amend KRS 533.030 to include relocating expenses for safety; amend KRS 533.250, relating to pretrial diversion program in each judicial circuit, to make a person ineligible who has committed a sex crime; amend KRS 605.090, relating to alternative treatment for committed children, to include disclosing and sharing information for protecting any child; amend various sections to make technical corrections.*

Adjournment